

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER: 1885.02  
 COMPLAINT INVESTIGATOR: Steve Starbuck  
 DATE OF COMPLAINT: March 5, 2002  
 DATE OF REPORT: April 3, 2002  
 REQUEST FOR RECONSIDERATION: no  
 DATE OF CLOSURE: May 15, 2002

**COMPLAINT ISSUES:**

Whether the Gary Community School Corporation violated:

511 IAC 7-25-3(a) by failing to conduct an educational evaluation and convene a case conference committee meeting within 60 instructional days of the date of the parent's written consent.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, failing to provide the identified number of hours of homebound services each week.

**FINDINGS OF FACT:**

1. The student is twelve years old, attends the fifth grade, and has been determined eligible for special education under the following disability categories: other health impairment, orthopedic impairment, and learning disability.
2. The superintendent's response reflects that school personnel received the parent's written consent for an educational evaluation on April 4, 2001. The evaluation was conducted on August 29, 2001; however, a case conference committee (CCC) meeting to discuss the results of the evaluation was not convened until November 27, 2001. Although the evaluation was conducted within the 60 instructional day timeframe, the superintendent acknowledges that the CCC meeting was not convened within 60 instructional days from the date that the parent provided school personnel with written consent for the evaluation.
3. The parent contends that from February 5 to March 5, 2002, school personnel did not provide the student with 3 hours of home instruction on a daily basis for five days per week. The student's IEP dated February 5, 2002, has a starting date of February 5, 2002, and an ending date of February 5, 2003. Page 5 of the IEP indicates that the student needs homebound tutoring. On page 9 of the IEP, the following information is listed under the heading "Recommended Special Education, Related Services and Supplementary Aids and Services": "Receive homebound services 3 hours a day, five days a week." Although not specified in the IEP, both the parent and superintendent acknowledge that the purpose of the homebound services was to provide the student with 3 hours of home instruction a day for five days per week. The superintendent acknowledges that school personnel failed to provide home instruction to the student as specified in the IEP dated February 5, 2002. The superintendent's response indicates that at a CCC meeting convened on March 12, 2002, the CCC modified the number of home instructional hours the student would receive on a weekly basis. In addition, the response indicates that the CCC reached agreement concerning the

issue of compensatory services. No documentation was provided to the Division to verify that either of these issues were addressed by the CCC.

## **CONCLUSIONS:**

1. Finding of Fact #2 establishes that school personnel failed to convene a CCC meeting to discuss the results of an evaluation within 60 instructional days from the date that written parental consent was received by the school for the evaluation. Therefore, a violation of 511 IAC 7-25-3(a) is found.
2. Finding of Fact #3 reflects that school personnel failed to provide the student with home instruction from February 5<sup>th</sup> to March 5<sup>th</sup> as specified in the IEP dated February 5, 2002. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners, requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

## **CORRECTIVE ACTION:**

The Gary Community School Corporation shall:

1. Send a memorandum to all appropriate personnel reminding them of the requirements specified in 511 IAC 7-25-3(a) and 511 IAC 7-27-7(a). Submit a copy of the memorandum to the Division no later than May 8, 2002. Include with the memorandum a listing (name and title) of all individuals to whom the memorandum was sent.
2. If not previously held, convene a CCC meeting to determine the need for compensatory services for failing to provide the student with home instruction as specified in the IEP. The Case Conference Report shall reflect that the CCC thoroughly addressed the issue of compensatory services. Submit a copy of the Case Conference Report and any revised IEP to the Division no later than May 8, 2002.
3. Submit an assurance statement to the Division no later than May 8, 2002, ensuring that all IEPs developed for the student will be implemented as written. Include in the assurance statement that educational evaluations and CCC meetings to discuss the results of the evaluations will be conducted within 60 instructional days of the date of the parent's written consent.

DATE REPORT COMPLETED: April 3, 2002